

CITY OF SAN BRUNO



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STAFF

Terry Jackson, *Interim Community Development Director*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Lorraine Weiss, *Contract Planner*
Aaron Akin, *Contract Planner*
Adam Finestone, *Recording Secretary*
Pamela Thompson, *City Attorney*

PLANNING COMMISSIONERS

Perry Petersen, *Chair*
Joe Sammut, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Kevin Chase
Sujendra Mishra
Rick Biasotti

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

December 7, 2004
San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:06

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	x	
Vice Chair Sammut	x	
Commissioner Johnson		x
Commissioner Marshall		x
Commissioner Chase		x
Commissioner Mishra	x	
Commissioner Biasotti	x	

STAFF PRESENT:

Planning Division: Interim Community Development Director: Terry Jackson
Housing and Redevelopment Manager: Mark Sullivan
Contract Planner: Lorraine Weiss
Contract Planner: Aaron Akin
Interim Department Secretary: Adam Finestone

City Attorney: Pamela Thompson

Finance Department: Finance Director: Jim O'Leary

Pledge of Allegiance **Commissioner Sammut**

1. **Approval of Minutes November**

**Motion to Approve minutes of November 16 Planning Commission Meeting
Commissioner Sammut/Biasotti**

VOTE: 4-0
AYES: All commissioners in attendance
NOES:
ABSTAIN:

2. **Communication**
3. **Public Comment**
4. **1905 Spyglass Drive**

Request for a use permit to allow construction of an addition, which would result in a Gross Floor Area exceeding 2,800 sq. ft. per Section 12.200.080.A.3 of the San Bruno Zoning Ordinance. Raymond Levinson (Owner), James P. Rato (Architect/Applicant)

Contract Planner Lorraine Weiss entered staff report.

Staff recommends that the Planning Commission **approve** Use Permit 04-51 based on Findings of Fact (1-8) and Conditions of Approval (1-14)

Public Hearing Opened

James Rato (Architect/Applicant) stated he is available to answer any questions from the Commission.

Public Hearing Closed

Staff provided the Commissioners with the color sample.

Vice Chair Sammut asked City Attorney Thompson if there were any way in the future to circumvent a Planning Commission hearing on an item like this since the only reason it is before the Commission is because it exceeds the ordinance limiting residences to 2800 square feet. It falls well within the limits for Floor-Area-Ratio and lot coverage, meets all setback and height requirements, and has the required amount of parking. He stated that he felt staff should be able to use their discretion on an item like this. City Attorney Thompson stated that she would follow up with staff on this question and get back to the Commission regarding this possibility.

Chair Petersen stated that he is aware that the lot coverage and floor area ratio are well within the limits set by the zoning code. However, he agrees with the City's policy of referring matters of this type to the Commission due to the fact that a large house may have some issues related to it which require aesthetic consideration.

**Motion for approval based on Findings of Fact 1-8 and Conditions of Approval 1-14
Sammut/Biasotti**

VOTE: 4-0
AYES: All commissioners in attendance
NOES:
ABSTAIN:

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on November 24, 2004, and legal notice published in the San Mateo Times, Wednesday, December 1, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single family residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS OF APPROVAL

Community Development Department

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-51 shall not be valid for any purpose. Use Permit 04-51 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on December 7, 2004, labeled Exhibit B

except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Department of Public Works

8. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
9. Storm water from new and existing roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through an undersidewalk curb drain to the gutter.
10. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
11. A permit shall be required from Parks Department for planting one 36-inch box size tree or payment of equal value to tree fund for tree(s) and installation.
12. The applicant shall remove the un-permitted under-sidewalk curb drain, bubble-up or other over sidewalk drainage. Replace with City standard under-sidewalk curb drain, detail SI-03.
13. The applicant shall remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way.
14. No fence, retaining wall or other permanent structure to be placed within 7 feet from back of sidewalk.

5. 602 San Mateo Avenue

Request for a use permit for an existing restaurant to allow alcoholic beverage sales per San Bruno Ordinance 1685. Gim Young (Owner), Jose Antonio Ayar (Applicant)

Contract Planner Lorraine Weiss entered staff report.

Staff recommends that the Planning Commission **approve** Conditional Use Permit 04-53, subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-18).

Point of Order - Following the hearing of agenda item # 5, the Commission will hear agenda item # 8.

Public Hearing Opened

Antonio Ayar (Applicant), 602 San Mateo Ave., stated he is applying for the use permit so that his clients can enjoy a mixed beverage with their Mexican food/Seafood meal.

Vice Chair Sammut asked the applicant if he has read and understands the Conditions of Approval being applied to his use permit. Applicant Ayar stated that he had read the Conditions of Approval and is in agreement with them.

Public Hearing Closed

Motion for approval based on Findings of Fact 1-8 and Conditions of Approval 1-18 Sammut/Mishra

VOTE: 4-0
AYES: All Commissioners in attendance
NOES:
ABSTAIN:

(Chair Petersen advised of 10-day appeal period.)

FINDINGS OF FACT

1. Proper notice of the public hearing was given by legal notice which were mailed to property owners within 300 feet of the project site on November 24, 2004, and published in the San Mateo Times on Wednesday, December 1, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Existing Facilities.
5. The proposed sale of alcoholic beverages for the existing restaurant at 602 San Mateo Ave will not under any circumstances, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood.
6. The proposed alcoholic beverage sales for the existing restaurant at 602 San Mateo Avenue will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the city.

7. The proposed alcoholic beverage sales for the existing restaurant at the subject location is consistent with the San Bruno General Plan and Redevelopment Plan.
8. The project is consistent with the intent of San Bruno Ordinance No. 1685.

CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS (1-12)

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 04-53 shall not be valid for any purpose. Use Permit 04-53 shall expire one (1) year from the date of approval unless the plan is executed.
2. The applicant and any successor in interest, shall agree to operate the restaurant at 602 San Mateo Avenue in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
4. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front and rear of the building.
5. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids.
6. The property owner shall comply with the requirements of the San Bruno Recycling Ordinance.
7. The permitted hours of operation of the restaurant shall be as follows:
Monday - Sunday: 8:00 A.M. – 8:00 P.M.
Any changes from these hours of operation shall require prior authorization of the Community Development Director.
8. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
9. The applicant shall comply with all Alcohol and Beverage Control requirements.
10. The applicant shall comply with all performance standards of San Bruno Ordinance 1685 (refer to attachment). Non-compliance with these conditions may result in revocation of the use permit.
11. The applicant shall meet all San Mateo County Health Department requirements regarding the creation and operation of a restaurant.
12. The applicant shall obtain a Letter of Public Convenience or Necessity issued by the Alcohol, Beverage and Control Board (ABC) for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses.

POLICE DEPARTMENT CONDITIONS (13-18)

13. Loitering in or about the premises is prohibited.
14. All provisions of the San Bruno Municipal Code shall be strictly adhered to.
15. All violations of the law, or threatened violations of the law shall be immediately reported to the San Bruno Police Department and full cooperation by employees and management shall be given.
16. Any request by anyone in the establishment for an employee to contact the Police shall be immediately honored, without question.
17. Labor Code section 6404.5 regulating smoking shall be enforced at all times
18. Management shall post all Police Department conditions of approval under load occupancy sign.

Commissioner Chase Arrived at 7:18pm

8. Capital Improvement Project Budget Review

Request for adoption of a resolution confirming review of the 2004-2005 San Bruno Capital Improvement Budget and its conformance with the San Bruno General Plan.

Housing and Redevelopment Manager Mark Sullivan entered staff report. Finance Director Jim O'Leary is available for questions.

Staff recommends that the Planning Commission adopt attached Resolution 2004-__.

Chair Petersen stated that there is no Resolution attached to the staff report, and questioned what the process for this should be.

Public Hearing Opened

Public Hearing Closed

City Attorney Thompson stated that the Commission should direct staff to bring a resolution for adoption at the next Planning Commission meeting.

Commissioner Sammut asked Housing and Redevelopment Manager Sullivan if the column on the Capital Improvement Budget for carry-over appropriations is for monies that have been put aside for programs but has yet to be expended. Housing and Redevelopment Manager answered in the affirmative.

Motion for Continuance until 1/18/05

Chase/Sammut

VOTE: 5-0
AYES: All Commissioners present
NOES:
ABSTAIN:

(Chair Petersen advised of continuance until the 1/18/2005 Planning Commission Meeting.)

6. 1590 El Camino Real

Request for a use permit for an existing restaurant to allow alcoholic beverage sales per San Bruno Ordinance 1685. Monica Siqueira (Owner/Applicant)

Contract Planner Lorraine Weiss entered staff report.

Staff recommends that the Planning Commission **approve** Use Permit 04-44 based on Findings of Fact (1-8) and Conditions of Approval (1-18).

Commissioner Chase referenced the applicant's written statement which acknowledged that the applicant will stop serving alcohol at 2:00am. He questioned if the applicant could be conditioned to end alcohol sales at an earlier hour.

Contract Planner Weiss stated that a Conditional Use Permit allows the Planning Commission to impose any conditions upon a project which it sees fit. Thus, it is up to the Commission's discretion to decide hours for alcohol sales.

Public Hearing Opened

Applicant Monica Siqueira, 1590 El Camino Real, stated her reason for applying for the use permit was to allow the service of wine and beer to better serve their customers.

Chair Petersen asked the applicant if sales would be limited to wine and beer, to which the applicant replied in the affirmative.

Vice-Chair Sammut asked the applicant if the restaurant has been located at 1590 El Camino Real for 10 years. The applicant replied that she had just bought the restaurant last year, but the restaurant has been there for 10 years. Vice-Chair Sammut then asked the applicant if sales of beer and wine would be on-site only, or available for delivery. The applicant stated that beer and wine sales would be for both on-site consumption and for delivery.

Vice-Chair Sammut asked staff if there have been any crime-related issues at the project address. City Attorney Thompson stated that the Police Department has reviewed this application for a Use Permit and supplied additional Conditions for Approval. Based on these Conditions, City Attorney Thompson believes that there has not been a disproportionate amount of Police activity at the project address. She stated that staff could report back to the Commission on this, however, since there is not a member of staff present who could answer the question with certainty. Vice-Chair Sammut stated that he is in agreement with staff that there likely have not been a lot of Police activity at the site, and that had there, the Police Department would likely have made note of such activity in their Conditions for Approval. City Attorney Thompson stated that if the Commission desired, information on previous Police activity at a project address could be included in the staff report for Use Permits relating to alcohol sales.

Commissioner Chase asked the applicant if she would be willing to stop the sale of alcohol at a specified time earlier than 2:00am as a Condition of Approval. He stated that he is aware that the property address has been quiet and free of police activity to his knowledge, and he desires to keep it that way. The applicant stated that an earlier time, such as 1:30am as suggested by

Commissioner Chase, would be fine. She put 2:00am on her Use Permit application as that is the time her liquor license would allow alcohol service until.

Vice-Chair Sammut verified that sales of beer and wine until 2:00am would only occur on Friday and Saturday nights (early Saturday and Sunday mornings), as the restaurant closes at 1:00am on all other nights of the week.

Commissioner Biasotti asked if alcohol sales would be allowed for delivery as well as on-site consumption. The applicant stated that it would. Commissioner Biasotti asked if the ability to deliver beer and wine is included with an on-site liquor license. The applicant stated that she would do only what is allowed by her liquor license. Contract Planner Aknin stated that staff's position is to defer to the ABC regulations, and that staff could check with ABC regarding this. Chair Petersen asked staff to report back to the Commission regarding what the ABC conditions are, as he does not recall that the delivery of beer with Pizza is acceptable.

Chair Petersen asked the applicant how many orders are sold between 1:00am and 3:00am on nights which the restaurant is open until 3:00am. The applicant stated that they occasional have 20-30 orders after 1:00am. He also asked the applicant if she had read Ordinance 1685. She replied in the affirmative. Chair Petersen stated that the ordinance is concerned with having reasonable control over the customers and that later in the evening, control over customers could become more of an issue.

Public Hearing Closed

Commissioner Sammut stated that he does not have any issue with serving beer and wine until 2:00am on Friday and Saturday night, as he would defer to ABC regulations/guidelines. He stated that since ABC states the applicant can sell beer and wine until 2:00am, and the Commission has no reason at this point to not allow it (i.e. no history of police-related issues), he would allow sales of beer and wine until 2:00am. He stated that if police-related or other issues do arise, the Commission can revisit this Use Permit.

Commissioner Chase stated that his reason for asking for an earlier stop time for alcohol service was to avoid situations where the customers would be forced to finish or forfeit their drinks at 2:00am. Vice-Chair Sammut stated that he would agree with Commissioner Chase if the restaurant closed at 2:00am, however since they are open until 3:00am on Friday and Saturday nights (Saturday and Sunday mornings), he does not agree. He believes that the ABC regulations state that the beer must be served prior to 2:00am, but could be drank after that.

Commissioner Biasotti stated that from the perspective of running a restaurant/retail establishment, it would be better to allow service of beer and wine until 2:00am as that would avoid confusion and complications amongst customers who are used to being able to drink at a public establishment until that hour.

Motion for approval based on Findings of Fact 1-8 and conditions of approval 1-18 Sammut/Mishra

VOTE: 4-1
AYES: Sammut, Mishra, Biasotti, Petersen
NOES: Chase
ABSTAIN:

(Chair Petersen advised of 10-day appeal period.)

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on November 24, 2004, and legal notice published in the San Mateo Times, Wednesday, December 1, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Existing Facilities.
5. The proposed beer and wine sales for the existing restaurant at 1590 El Camino Real will not under any circumstances, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood.
6. The proposed sale of beer and wine at the existing restaurant at 1590 El Camino Real will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the city.
7. The proposed beer and wine sales for the existing restaurant at the subject location is consistent with the San Bruno General Plan and Redevelopment Plan.
8. The project is consistent with the intent of San Bruno Ordinance No. 1685.

CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS (1-12)

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary Hearing" to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 04-55 shall not be valid for any purpose. Use Permit 04-55 shall expire one (1) year from the date of approval unless the plan is executed.
2. The applicant and any successor in interest, shall agree to operate the restaurant at 1590 El Camino Real in the manner as described in the staff report and in the applicant's support statement. Any deviation or change in business activities shall require prior authorization by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
4. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front and rear of the building.
5. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids.

6. The property owner shall comply with the requirements of the San Bruno Recycling Ordinance.
7. The permitted hours of operation of the restaurant shall be as follows:
 Sunday – Thursday: 10:00 A.M. – 1:00 A.M.
 Friday – Saturday: 10:00 A.M. – 3:00 A.M.
 Any changes from these hours of operation shall require prior authorization of the Community Development Director.
8. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
9. The applicant shall comply with all Alcohol and Beverage Control requirements.
10. The applicant shall comply with all aspects of San Bruno Ordinance 1685 (refer to attachment). Non-compliance with these conditions may result in revocation of the use permit.
11. The applicant shall meet all San Mateo County Health Department requirements regarding the operation of a restaurant.
12. The applicant shall obtain a Letter of Public Convenience or Necessity issued by the Alcohol, Beverage and Control Board (ABC) for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses.

POLICE DEPARTMENT CONDITIONS (13-18)

13. Loitering in or about the premises is prohibited.
14. All provisions of the San Bruno Municipal Code shall be strictly adhered to.
15. All violations of the law, or threatened violations of the law shall be immediately reported to the San Bruno Police Department and full cooperation by employees and management shall be given.
16. Any request by anyone in the establishment for an employee to contact the Police shall be immediately honored, without question.
17. Labor Code section 6404.5 regulating smoking shall be enforced at all times.
18. Management shall post all Police Department conditions of approval under load occupancy sign.

7. San Bruno Avenue @ Princeton Drive (Water Tank Site)

Request for an Amendment to an approved use permit to allow modifications to the Conditions of Approval relating to the landscaping plan for a wireless communications facility. The Alaris Group, applicant; City of San Bruno, property owner.

Housing and Redevelopment Manager Mark Sullivan entered staff report.

Staff recommends that the Planning Commission **approve** the amendment to Use Permit 04-24 subject to the original Findings of Fact (1-8) and Conditions of Approval (1-15), and two additional Parks Department Conditions of Approval (16 and 17).

Vice-Chair Sammut stated that he feels that any Planning Commission Application which includes a landscaping plan should be routed to the Parks department in the future. Housing and Redevelopment Manager Sullivan concurred, and stated that this has now become standard practice for staff.

Chair Petersen clarified that it is traffic coming up hill, not down hill that is of concern for line-of-sight. Housing and Redevelopment Manager Sullivan concurred.

Commissioner Biasotti asked staff if the photo-simulation that the Commission is in possession of is the current proposal. Housing and Redevelopment Manager Sullivan answered in the affirmative.

Public Hearing Opened

Applicant Kelly Pepper, representing Cingular Wireless at 185 Barry St., SF, stated that she would be willing to accept and comply with the new landscaping plan.

Commissioner Chase commented that he drives by the "mono-pine" (wireless antenna) everyday, and that it looks pretty real.

Public Hearing Closed

Motion for approval of amendment based on Findings of Fact 1-8 and conditions of approval 1-17 **Chase/Mishra**

VOTE: 5-0
AYES: All Commissioners present
NOES:
ABSTAIN:

(Chair Petersen advised of 10-day appeal period.)

FINDINGS OF FACT

1. Proper notice of the public hearing was given by mailing notices to property owners within 300 feet of the project site on November 24, 2004, and legal notice published in the San Mateo Times, Wednesday, December 1, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the

City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: Infill Development.
5. The general appearance of the cell antenna is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property.
6. The proposed new antenna will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the monopine tree antenna & landscaping is consistent with the San Bruno General Plan, which designates the property for open space purposes (water tank site).
8. The proposal will have no impact on off street parking.

CONDITIONS OF APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-10):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Use Permit (UP-04-24) shall not be valid for any purpose. The use permit expires one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one-year date.
2. The proposed installation of a wireless communications facility at (APN NO. 019-100-090) shall be built according to the plans and photo simulations approved by the Planning Commission on July 20, 2004 except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director Community Development.
3. The applicant shall obtain a City building permit before construction can proceed.
4. The antennas and facility shall be installed and painted according to the photo simulations presented in the staff report. All mechanical equipment must be screened from view.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
6. All graffiti shall be removed within 24 hours of reporting.
7. Should this facility cease to operate for a period of six months, all appurtenant structures shall be removed by the applicant.
8. No signs shall be placed on or attached to the antennae.

9. Provide architect or engineer wet-signed/stamped drawings for Building Department review.
10. All 15 gallon trees indicated on the landscape plan shall be revised to show 36" box trees. The change shall be reflected in the Building Division set of drawings.

Fire Department Condition (11)

11. Applicant shall specify the quantity of UPS fluids in Building Division submittal.

Public Works Department Condition (12)

12. Encroachment Permit from the Engineering Dept. required prior to work. Permit will include requirements for insurance, traffic control plan, and trenching details.

City Attorney's Office Conditions (13-15)

13. Wireless facility shall not interfere with the City' primary use and operation of its property as a water tank facility.
14. The applicant shall comply with all provisions of the lease agreement. Failure to comply with the provisions of the lease agreement is basis for revocation of this use permit.
15. This use permit shall not be valid until the lease agreement is authorized by the City Council.

Parks & Recreation Department (New) Conditions 16-17

16. The plant material *Arctostaphylos edmundsii* should not be planted on the hillside below the tower. This plant material will cause sight clearance problems for any vehicles exiting the tank site onto San Bruno Avenue.
17. Of the six proposed *Pinus eldarica*, only the three closest to the tower should be planted to help screen and blend the tower into the hillside. These three are further up from the road and will not pose future sight issues for vehicles exiting the site. As indicated on the site plan these three trees are directly to the right, left and in front of the tower. The lower three trees would be closer to the roadway and may create a conflict with the San Bruno Avenue right-of-way as they mature. The lower three are not recommended.

9. City Staff Discussion

Interim Community Development Director Terry Jackson gave an update of Department Staff. She stated that Gary Binger, of the Urban Land Institute, will be serving as the Interim Planning Director. She (Jackson) will remain involved with the Community Development Department for administrative, financial and human resource support. She also announced that Aaron Akin will be returning to the City in the capacity of Associate Planner, with the intent of reclassification to position of Senior Planner upon approval from City Council.

10. Planning Commission Discussion

Commissioner Chase stated his satisfaction with the return of Associate Planner Akin to City Staff.

Vice-Chair Sammut stated that the January Architectural Review Committee was not selected during Staff Discussion. Interim Community Development Director Jackson asked Associate Planner Aknin to set up the Architectural Review Committee meeting for January.

Selection of January 13 Architectural Review Committee attendees: Chair Petersen, Vice-Chair Sammut, and Commissioner Chase.

Interim Community Development Director Jackson stated that Commissioner Marshall will be out of commission for a number of months, as it is her understanding that he had back surgery this morning. She also stated that Associate Planner Aknin will once again be the staff member responsible for the Architectural Review Committee.

Commissioner Chase asked if there were some sort of contingency plan for a quorum problem with Commissioner Marshall being unavailable for several months. City Attorney Thompson stated that she would discuss this possibility with the City Manager.

Chair Petersen asked for a General Plan update on the next Planning Commission Agenda. He stated that he believes that the City's General Plan has been held up due to a number of large development issues within the city that have now been resolved.

Chair Petersen asked City Attorney Thompson to comment on the restrictions put upon the Commissioners when out in the field discussing projects with applicants and/or neighbors. She stated that Commissioners are to approach every application with neutrality. In the fact-gathering process, it is appropriate for the Commissioners to speak with the applicants and neighbors as they see fit. She stated that it is important for the Commissioners to avoid making any commitment and/or possessing any bias regarding a Planning Commission application (communicated or not) until the hearing in front of the Planning Commission. Also, she stated that it is important for Commissioners to divulge any contact they have had with applicants/neighbors at the Planning Commission meeting.

Commissioner Chase wished Commissioner Marshall a speedy recovery from surgery.

Terry Jackson,
Interim Secretary to the Planning
Commission
City of San Bruno

Perry Petersen, Chair
Planning Commission
City of San Bruno

NEXT MEETING: January 18, 2005

TJ/af

Meeting was adjourned at 8:00 pm.